

THE LAW OFFICES OF
ANDREW J. FRISCH

40 FULTON STREET
23rd FLOOR
NEW YORK, NEW YORK 10038

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(212) 285-8000
FAX: (646) 304-0352
WWW.ANDREWFRISCH.COM

BY ECF

The Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Daniel Bonventre et al,
Criminal Docket No. 10-228 (LTS)

Dear Judge Swain:

I respectfully submit this letter as a motion to strike the government's letter of November 3, 2014, or, alternatively, for permission to file a response.

At the conference on October 27, 2014, my understanding was that the Court asked the parties to submit samples of the Chase 703 account on the issue of whether Mr. Bonventre's exposure to the account justified the government's inference of knowledge. Since the conference, we have been reviewing extensive Chase 703 records with an eye toward submitting samples with a short cover letter.

We believe that the government's letter of November 3rd exceeds the Court's request and constitutes a gratuitous and over-aggressive fourth bite of the apple. The government has devoted multiple lengthy filings and two court conferences to make its case on the particular issue at hand. Our understanding is that the government was asked to provide samples of an exhibit, not another dense and detailed piece of advocacy citing trial testimony, arguing inferences, and creating another springboard for briefing.

The government's submission should be struck and completely disregarded. Alternatively, we respectfully request that we be permitted to respond and demonstrate that the inferences pressed by the government are wrong and irrelevant. Because I am completely

preoccupied this week attempting to meet a deadline on a summary judgment motion in a civil case. I respectfully request that I be permitted to respond by November 14, 2014

Respectfully submitted,




Andrew J. Frisch

cc: All Counsel

*The request for permission to file a
response by November 14, 2014,
is granted.*

SO ORDERED:



11/4/14
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE